

REMARKS/ARGUMENTS

1. **Summary of the Office Action**

Claims 1-5 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12-14 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-15 and 18-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gephardt et al. (U.S. Patent No.5,640,573) in view of Pearce (U.S. Patent No. 5,819,100).

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gephardt et al. in view of Pearce and further in view of Goff et al. (U.S. Patent No. 6,105,142).

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gephardt et al. in view of Pearce and further in view of Arai et al. (U.S. Patent No. 5,978,922).

2. **Response to § 112 Rejections of claims 1-5**

Claim 1 recites “A method for controlling a power state of an autonomous subsystem.” It is submitted that “an autonomous subsystem” provides antecedent basis for the phrase “the system” that appears in line 3 of claim 1. It is respectfully requested that the rejection be withdrawn.

3. **Response to § 101 Rejection of claims 12-14**

Specification has been amended as suggested by Examiner to address the rejection. It is respectfully requested that the rejection be withdrawn.

4. Response to § 103 Rejections

The Office action correctly stated that Gephardt fails to disclose that the power state of the subsystem is controlled exclusive of a main operating system. The Office action cites Pearce to show this feature.

Pearce discloses a system for creating an operating system independent environment for executing a program for preserving a life span of a hard disk drive in a power managed computer. (Pearce, 3: 56-60.) It is submitted that the environment may be considered operation system independent where the program is designed to be compatible with a variety of operating systems. An operation system independent environment does not suggest that programs running in such environment are capable of performing operations exclusive of the operating system.

Pearce further discloses the system management mode (SMM) software that performs power management functions under user control or system control. (Pearce, 5: 3-6.) In Pierce, the system management mode (SMM) of operating is activated in response to a SMI# signal, which is evoked by the operating system (i.e., by the BIOS portion of the operation system). Specifically, Pierce discloses the following:

A basic input output system (BIOS) is the part of an operating system that customizes the operating system to a specific computer. The BIOS forms the lowest-level interface to common devices such as a system clock, hard disk and display, for example.

In one mode of operation, the program code in the BIOS 214 operates by transferring operation identifiers and parameters to the CMOS memory 160 and performing an input/output instruction that evokes a SMI# signal. The SMI# signal is a signal for activating a system management mode (SMM) of operating.

(Pearce, 4:62 – 6: 3.)

Furthermore, Pierce discloses that the processor stores the CPU register dump contents that are used for restoring the processor condition prior to the interrupt through operation of processor microcode rather than through operating system (Pierce, 6: 1-6). It is submitted that although Pierce discloses that the processor is capable of storing certain data through operation of processor microcode, there is no suggestion in Pierce that the

processor or the SMM software is capable of setting of the power state of a hard disk exclusive of the operating system.

Thus, Pierce, whether considered singularly or in combination with Gephardt, fails to disclose or suggest a method comprising “setting the power state of the autonomous subsystem ... exclusive of a main operating system,” as recited in claim 1. Thus, claim 1 and its dependent claims are patentable and should be allowed in view of Pierce-Gephardt combination and should be allowed.

Claim 12 recites a machine-readable medium having stored thereon instructions, which when executed by a processor, causes said processor to “determine a desired power state for the autonomous subsystem ... exclusive of a main operating system.” Thus, claim 12 and its dependent claims are patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 15 recites “an autonomous subsystem coupled to the power state controller output port and the power state controller communications channel, the autonomous subsystem to operate exclusive of a main operating system.” Thus, claim 15 and its dependent claims are patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 16 includes the feature of “an autonomous subsystem coupled to the power state controller output port and the power state controller communications channel, the autonomous subsystem to operate exclusive of a main operating system” by virtue of its being dependent on claim 15. Goff, is directed at an intelligent power management interface for computer system hardware (Goff, Title.) Goff fails to disclose or suggest, whether considered separately or in combination with Gephardt and Pierce, “the autonomous subsystem to operate exclusive of a main operating system,” as required by claim 16 by virtue of it being dependent on claim 15. Thus, claim 16 is patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 17 includes the feature of “an autonomous subsystem coupled to the power state controller output port and the power state controller communications channel, the autonomous subsystem to operate exclusive of a main operating system” by virtue of its

being dependent on claim 15. Arai, is directed at a computer system having resume function (Arai, Title.) Arai fails to disclose or suggest, whether considered separately or in combination with Gephardt and Pierce, “the autonomous subsystem to operate exclusive of a main operating system,” as required by claim 17 by virtue of it being dependent on claim 15. Thus, claim 17 is patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 18 recites “means for determining a desired power state for the autonomous subsystem based upon the received input signals and communications with the autonomous subsystem, exclusive of a main operating system.” Thus, claim 18 and its dependent claims are patentable and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 21 recites “an autonomous subsystem coupled to the power state controller, to operate exclusive of a main operating system.” Thus, claim 21 and its dependent claims are patentable and should be allowed for at least the reasons articulated with respect to claim 1.


5. **Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 720-8300.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 17, 2006



Elena B. Dreszer
Reg. No. 55,128

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300